

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

z4 TECHNOLOGIES, INC.,)
)
)
Plaintiff,)
)
)
v.)
) **CIVIL ACTION NO. 6:06 CV 369 (LED)**
NUANCE COMMUNICATIONS, INC.;)
QUARK, INC.;) **JURY**
QUARK DISTRIBUTION, INC.; and)
ABBYY USA SOFTWARE HOUSE, INC.;)
)
Defendants.)
)
)
)
)

**MOTION TO DISMISS DEFENDANT QUARK, INC.
AND QUARK DISTRIBUTION, INC.**

WHEREAS, Plaintiff and Defendants Quark, Inc. and Quark Distribution, Inc. (“Quark Entities”) have entered into a Patent License and Settlement Agreement;

NOW, THEREFORE, Plaintiff, through its attorney of record, requests this Court to dismiss the Quark Entities, with prejudice, with all costs taxed against the party incurring same. Plaintiff’s complaint as to all other defendants is not impacted by this motion to dismiss.

By: /s/ John Ward, Jr.
T. John Ward (State Bar No. 00794818)
LAW OFFICE OF T. JOHN WARD, JR. P.C.
P.O. Box 1231
Longview, Texas 75606-1231
Email: jw@jwfirm.com

Joe Kendall (Texas State Bar No. 11260700)
PROVOST UMPHREY, L.L.P.
3232 McKinney Avenue, Suite 700
Dallas, TX 75204
Email: jkendall@provostumphrey.com

Ernie L. Brooks
MI Bar No. P22875
LEAD ATTORNEY
John S. Le Roy
MI Bar No. P61964
1000 Town Center
Twenty-Second Floor
Southfield, Michigan 48075-1238
Tel: (248) 358-4400
Fax: (248) 358-3351
E-mail: ebrooks@brookskushman.com
tlewry@brookskushman.com

Attorneys for z4

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document was served by e-mail via the Eastern District of Texas ECF System to all counsel of record on this the 11th day of December, 2006.

/s/ John Ward, Jr
T. John Ward, Jr.